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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DOUGLAS L. AKINS,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant - Appellee.

No. 07-56554

D.C. No. CV-03-02403-FMO

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Fernando M. Olguin, Magistrate Judge, Presiding **

Submitted February 18, 2009 ***

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented to proceed before the Magistrate Judge.

*** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Douglas L. Akins appeals from the district court's judgment affirming the Commissioner's decision to deny Akins disability benefits. We have jurisdiction under 28 U.S.C. § 1291. We review the district court's decision de novo. *Bayliss v. Barnhart*, 427 F.3d 1211, 1214 n.1 (9th Cir. 2005). The Commissioner's decision must be affirmed if it is based on the correct legal standards and is supported by substantial evidence. *Batson v. Comm'r of Soc. Sec. Admin.*, 359 F.3d 1190, 1193 (9th Cir. 2004). We affirm.

Akins contends that the Administrative Law Judge ("ALJ") erred by not crediting his testimony regarding pain and resulting physical limitations. This contention is unpersuasive because the ALJ expressed several clear and convincing reasons to reject Akins's testimony as not credible, including Akins's failure to seek treatment, medical opinion regarding Akins's capabilities, and the fact that Akins takes no regular prescription medications. *See Thomas v. Barnhart*, 278 F.3d 947, 959 (9th Cir. 2002) (affirming ALJ decision discounting claimant's testimony where ALJ gave specific, clear, and convincing reasons for doing so).

AFFIRMED.